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8 IN RE: FACEBOOK PRIVACY  
9 LITIGATION

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION

13 Case No. 10-cv-02389-RMW

14 **ORDER DENYING MOTION FOR  
15 CLASS CERTIFICATION**

16 Re: Dkt. Nos. 261, 254, 257, 306

17 **Redacted Public Version**

18 Plaintiffs move to certify a class of Facebook users pursuant to Federal Rules of Civil  
19 Procedure 23(a) and 23(b)(3). Dkt. No. 261. In addition to plaintiffs' motion for class certification,  
20 there are several related motions pending before the court: Facebook's motion to strike the expert  
21 opinion of Forrest Vickery, Facebook's motion to strike the expert opinion of Edward Pscheidt,  
22 and plaintiffs' motion to strike the expert testimony of Matt Jones. Dkt. Nos. 254, 257, 306. The  
23 court heard argument on January 29, 2016. Facebook's motion to strike the expert opinion of  
24 Edward Pscheidt is denied as moot because plaintiffs do not rely on Mr. Pscheidt's opinions. For  
25 the reasons explained herein, the court denies plaintiffs' motion for class certification and  
26 plaintiffs' motion to strike the testimony of Matt Jones. As the court does not reach the parties'  
27 arguments with respect to damages, Facebook's motion to strike the expert opinions of Forrest  
Vickery is denied as moot.

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#### **IV. CONCLUSION**

Because the court finds that individualized questions will predominate with respect to Facebook's alleged breach and misrepresentation, the court denies plaintiffs' motion for class certification.

The court has also filed an unredacted copy of this order that is accessible to case participants only. If either party believes that the redacted portions of this order disclose confidential information, the party must file an administrative motion to file under seal within 14

1 days of this order. The motion must be accompanied by an unredacted version of the order, filed  
2 under seal, highlighting the portions of the order that the party seeks to seal. The motion must also  
3 be accompanied by a declaration establishing that such portions of the order are sealable. No  
4 proposed order or redacted version of the order need be filed. If neither party moves to seal any  
5 part of this order within 14 days, the order will be made public in its entirety.

6 **IT IS SO ORDERED.**

7 Dated: June 28, 2016



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9 Ronald M. Whyte  
United States District Judge

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